

AN ORDINANCE

BY: COUNCILMEMBERS H. LAMAR WILLIS AND ALEX WAN

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO CREATE A CATEGORY FOR PERMITTED LIQUOR LICENSURE FOR NONPROFIT PARK CONSERVANCY, PARK FRIENDS OR PARK ALLIANCE PARTNERS OF THE CITY OF ATLANTA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in regulating the sale of alcoholic beverages within the city limits, and it has in place certain regulations which provide for the entities which may sell alcoholic beverages; and

WHEREAS, Section 10-58 of the City of Atlanta Alcoholic Beverage Code provides for nonprofit performing arts theaters, museums, zoological parks and botanical gardens for the sale for consumption on premises; and

WHEREAS, the City of Atlanta has several successful public-private partnerships with Park Conservancy, Park Friends or Park Alliance nonprofit groups in caring for and maintaining public green spaces and desires to encourage opportunities for its nonprofit parks partners to continue to invest in City of Atlanta parks so as to fulfill the City's environmental sustainability and livability goals and objectives.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:

Section 1: that the City of Atlanta Municipal Code Part II Chapter 10 Article 1 Section

10-1 Definition of Premises shall be amended with the underlined language added as follows:

Premises means the definite closed or partitioned-in locality, whether room, shop or building, wherein alcoholic beverages are sold or consumed. Premises also includes any area or patio immediately adjacent to the main licensed facility and located on property owned or leased or managed pursuant to a valid facility operating or license agreement by such licensee. The area or patio need not be covered, but must be completely enclosed, except for entrances and exits, by a wall, fence, shrubbery or other decorative material no less than 30 inches in height. Premises of an open air cafe need not be completely partitioned, and patios attached to such an establishment must be enclosed, except for entrances and exits, by a wall, fence, shrubbery or other decorative material no less than 30 inches in height or by a body of water at least three feet wide and one foot deep or by

some other architectural or landscaping barrier which would prevent access to the premises. Open air cafes shall be subject to all other requirements contained in this definition.

Section 2: that the City of Atlanta Municipal Code Part II Chapter 10 Article II Subdivision 1 is amended to add a new Section 10-58.1, to read as follows:

Sec. 10-58.1 Issuance to nonprofit Park Conservancy, Park Friends or Park Alliance partners of the City of Atlanta for sale for consumption on premises.

(a)

An applicant may be issued a license for the sale of alcoholic beverages for consumption on the premises of a City of Atlanta owned public park facility, venue or amenity upon meeting all of the following requirements and all other requirements of this chapter dealing with the sale of alcoholic beverages for consumption on the premises:

(1)

The applicant shall be a nonprofit park conservancy, park friends or park alliance partner organization holding a valid Memorandum of Understanding with the City of Atlanta or similar lease and/or license and be the same group or corporation holding a valid operating agreement for the facility, venue or amenity which the application seeks to cover.

(2)

The applicant shall show that the profits from the sales under any license granted under this section shall be used for no purpose other than the sustaining and promotion of the park wherein located.

(3)

The applicant shall show by plat the physical delineation of the area(s) in which alcoholic beverages are to be sold for each facility, venue or amenity including adjacent premises, if any, covered by the application.

(4)

The applicant shall be exempt from federal income taxes pursuant to section 501(c)(3) of the Internal Revenue Code, as amended.

(b)

The applicant shall pay an annual license fee of \$1,000.00, and the fee shall be subject to all other rules and regulations relating to licensee fees for alcoholic beverages set forth in this chapter.

(c)

Fees. The bureau of buildings and the department of fire shall each charge a fee of \$50.00 per location for the inspections made to report on the compliance status of structures where alcoholic beverage licenses are requested.

Section 3. that the City of Atlanta Municipal Code Part II Chapter 10 Article II Subdivision 1 Section 10-87 is amended to add a section 10-87(f) which will read as follows:

(f) The provisions of this section shall not apply to licenses issued hereunder to nonprofit park conservancies, park friends groups or park alliance partners of the City of Atlanta for the sale of alcoholic beverages for on premises consumption.

Section 4: This ordinance shall become effective immediately upon signing by the Mayor or as otherwise provided by the operation of law.